



# Normalcy and the Reasonable and Prudent Parenting Standard

## Guidance for Child Welfare Professionals

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### A. Introduction

This is the first in a series of guidance documents for stakeholders on the reasonable and prudent parent standard and normalcy provisions of federal and state law. **This document is for individuals working at CP & P, including Workers and Supervisors and those who support Workers, caregivers, and resource family parents.** Additional documents will be created for other stakeholders and system partners, such as caregivers and youth.

In 2014, Congress enacted the Preventing Sex Trafficking & Strengthening Families Act, which promotes “normalcy” for children and youth in the foster care system. “Normalcy” essentially means that youth placed in the foster care system should be provided the same opportunities to participate in activities and experiences at school and in the community as their non-system involved peers. Put simply, normalcy means allowing “kids to be kids” and letting resource family parents parent without unnecessary constraints.

For many years, youth in the foster care system have faced barriers to taking part in experiences that most kids take for granted, like participating in activities at school and spending time with friends. The good news is that the law has changed to reduce barriers that kids and resource family parents face so that they can have more opportunities to participate in activities and be part of the family and community in which they are living. These experiences build skills, relationships, and help enhance youth well-being.

**Here are the basic ways the law helps kids be kids and lets caregivers care for the children living in their homes:**

- **Caregivers, including resource family parents and designated staff at congregate care homes and**



facilities, are now able to make decisions about whether a youth can participate in certain activities. These activities include: extracurricular, enrichment, social, and cultural activities. Caregivers can make these decisions on their own without getting the permission of a Worker or going to court.

- Caregivers can decide whether or not youth can participate in activities by using what is called the “reasonable and prudent parent standard.” This standard is simply the decision- making standard a parent would use to make decisions about his or her own child. All caregivers are required to be trained about the new law and reasonable and prudent parent standard.
- Caregivers are protected from liability if a child is hurt during an activity the caregiver gave permission for as long as the caregiver 1. was trained in the reasonable and prudent parent standard and 2. used the standard to make the decision. This protection shows caregivers that they should not let their decisions be driven by fear; they should use their good judgement and skill.

## B. THE NUTS AND BOLTS

### *Q1: What types of activities does the law apply to?*

A: Caregivers can make the decision about whether children and youth can participate in **extracurricular, enrichment, social, and cultural activities**. Caregivers can make these decisions on their own without getting the permission of a Worker or going to court. **More details about activities and how caregivers should make decisions can be found below in this document in Section C, Question 2.** Examples of activities include, but are not limited to, the following:

- Community events and activities
  - Most short trips or excursions. (See the new travel policy for more detail.)
  - Camping/hiking
  - Sports and clubs
  - Swimming and water activities
  - Day/sleep over camps
  - Field trips
  - School related activities
  - Youth organization activities
  - Attending a movie/mall or other social outing with friends
  - Spending the night away from the caregiver’s home at the home of friends or as part of a planned activity
  - Volunteering and internships
  - Dating
  - Travel in cars with peers and/or peer’s parents
  - Access to a telephone for phone calls



- Access to the internet and social media

***Q2: Does the law apply to all children and youth placed by CP & P?***

A: Yes. The law applies to all children and youth who are placed through CP & P and it is the expectation that all youth in the care of CP&P will have access to age appropriate activities and experiences because they are important to child well-being. However, additional guidance will need to be developed for different placement types.

The law applies to resource family care homes, kinship care, congregate care homes and facilities, and supervised independent living placements. Special guidance will be provided on the application of the normalcy law to congregate care homes and facilities. In addition, treatment facilities or settings that are paid for by Medicaid should follow the spirit of the law and support the participation of youth in activities. However, it is not yet clear how the law will apply to those placements and the information provided in this FAQ speaks specifically to children and youth placed in resource family care.

***Q3: Who is a caregiver?***

A: The reasonable and prudent parent standard applies to “caregivers.” Caregivers include resource family parents. It also includes designated individuals at any congregate care homes and supervised independent living facilities where a youth is placed by CP&P. The law requires the designation of a caregiver to exercise the reasonable and prudent parent standard in these settings at all times.

***Q4: What must the state child welfare agency—CP&P-- do to implement the normalcy law?***

A: CP&P must put the reasonable and prudent parent standard in place, ensure that caregivers have training in exercising the standard, and must ensure that non-family based care settings, including congregate care homes and facilities and supervised independent living placements, have a designated caregiver on-site at all times to be able to exercise the reasonable and prudent parent standard. These requirements must be incorporated into contracts and licensing requirements for resource families and non-family based settings. **Please stay tuned for additional guidance on how these elements will be included in licensing requirements and contracts.**

***Q5: How will case planning be impacted by the normalcy law?***

A: Case planning meetings should include discussions about participation in age-appropriate activities. The case plan should include goals around participation in age-appropriate activities as well as supports that are needed to ensure participation. Case planning meetings are a good time to pro-actively problem solve in areas where there may be disagreement around participation in certain activities. It also gives the team the time to do careful planning and overcome any barriers to participation, such as applying for a fee waiver or arranging transportation.

In addition, the law includes additional requirements around the case planning meeting. Youth must be provided the opportunity to invite two people who are not a foster parent or part of the casework staff to the case planning meeting and at least one of those people can be an advocate on normalcy and participation in age-appropriate activities.



***Q6: What is the role of the courts in promoting normalcy and the reasonable and prudent parent standard?***

A: As part of the review hearing, the judge and Child Placement Review Board (CPRB) should inquire about the child's extracurricular and enrichment activities as well as opportunities to be part of the community and resource family. This inquiry should occur for all youth, and the federal law requires it for all youth with the permanency plan of Another Planned Permanent Living Arrangement. Law guardians, DAGs, parents' attorneys, and CASA volunteers should be facilitating and supporting this inquiry to make sure findings are made at reviews. It is important that training is provided to judges, court personnel, attorneys and other court affiliated programs so they are prepared for these inquiries.

As always, resource family parents must be notified of the child's court hearings and provided an opportunity to give input. This can be done by speaking in court, completing the Resource Family Information Form, or writing a letter. Resource family parents should use the opportunity for input to report on whether youth are participating in age-appropriate activities as well as any concerns or challenges.

***Q7: How will any costs associated with youths' participation in activities be covered?***

A: The law does not directly address the issue of funding activities or increased transportation costs and does not provide any additional funds. The base level of care rate for a child in resource family care includes provisions for vacation, entertainment, enrichment, and special events. Caregivers should consult the youth's Worker to determine how an activity will be paid for if they have concerns. Caregivers should also think creatively about free or low-cost ways to provide access to these opportunities. See the Practice Tips directly below for information about funds that may be available.

**Practice Tips:**

- Flexible Funds can be requested by the Worker to cover the cost of enrichment activities after all other funds have been exhausted. See the following link for more information: [https://www.fafsonline.org/fact\\_sheets/flex\\_fund.pdf](https://www.fafsonline.org/fact_sheets/flex_fund.pdf). The CP & P Flexible Fund policy can be found [here](#).
- Funds from the Local Office Bank Account can be requested by the Worker for clothing related to activities, such as teams or clubs.
- Embrella (formerly FAFS) has two funds--Fostering Wishes for Children and Dreamers and Believers—that can be requested to pay for enrichment activities, including summer camps. Click [here](#) for more information.
- Requests for funds to cover various needs and enrichment activities/items can be made to [One Simple Wish](#).
- To find free or low-cost activities in your community, start by looking at the website for your local county, municipality, and chamber of commerce.

***Q8: Can a caregiver be held liable if a child's safety is jeopardized while participating in an activity a caregiver approved?***



A: A caregiver is not liable for harm caused to a child who participates in an activity approved by the caregiver, provided that the caregiver has been trained and acted in accordance with the reasonable and prudent parent standard. See P.L. 2015, Chapter 253, [An Act Concerning Caregiver Liability](#).

***Q9: Will CP&P provide an attorney to represent a resource family parent if they are sued when a child is injured while participating in an activity that the resource parent approved?***

A: Yes. CP&P will provide an attorney for a resource family parent who has been sued when a child is injured after participating in an activity approved by the resource parent as long as they were trained on and exercised the reasonable and prudent parent standard. Please consult the Supervisor and DAG in the case for more information on how to proceed.

***Q10: How will caregivers and CP & P staff be told about the normalcy provisions?***

A: All CP & P staff will be informed through policy and guidance documents as well as through training and supervision. Caregivers will receive training and be provided information and support around the new law and policies. Youth will also be notified of the provisions and be provided materials. Workers will play a crucial role in ensuring both caregiver and youth are notified and understand the provisions.

***Q11: How will biological family members be told about the provisions?***

A: Workers will inform and explain the new provisions to parents and legal guardians. Parents should also be told that this change does not impact the rights they retain as parents to make important decisions about their children, especially in the areas of health, education, and religion.

#### **Practice Tips:**

- Include discussion of goal setting and planning around normalcy activities in the case planning process and include parents in that discussion so that conflicts can be identified and resolved. Activities that can be planned for like camp, school activities, and trips, are excellent topics to raise at case planning meetings so that the input of all can be considered in planning.
- Consider including parents in the activities that youth participate in when consistent with the permanency and visitation plan. This is a great way to include parents in the care of the child.

***Q12: How will the normalcy provisions and the reasonable and prudent parent standard impact how Workers and resource staff make decisions about placement?***

A: The placement decision and how youth are matched to resource families should take many things into account, including the interests and activities of a youth and the capacities and interests of resource families so that families can best support a youth in their participation in activities and opportunities.

***Q13: Does the law allow caregivers to make any type of decision for the child?***

A: No. **The reasonable and prudent parent standard allows caregivers to make decisions regarding a child's participation in extracurricular, enrichment, cultural, or social activities.** This is an important area of decision making, but is a limited area. This is an important area of decision making, but does not include all



decisions. For example, here are some of the areas of the law where parents have decision making authority unless a court has said otherwise:

- Consent for many medical treatments, including medication authorizations or approvals
- Disciplinary and control policies, regulations, and rights
- Confidentiality policies
- Educational-related decisions

Also, decisions made using the reasonable and prudent parent standard *cannot* violate existing court orders and/or rulings and decisions related to visitation, therapy, or other related schedules.

**To read more about decisions that the RPPS does not apply to please refer below to Section D, iii.**

## C. THE REASONABLE AND PRUDENT PARENT STANDARD

### ***Q1: What is the reasonable and prudent parent standard?***

**A:** This standard asks caregivers in the foster care system to make decisions for the children placed in their homes just as they would for their own biological children so that they can have experiences similar to their peers. Resource family parents can make decisions about a child's participation in age and developmentally appropriate activities without the prior approval of the biological parent, CP&P or court. Resource parents' decisions, however, must be guided by the reasonable and prudent parent standard.

### ***Q2: What should a caregiver consider when making a decision using the reasonable and prudent parent standard?***

**A:** Caregivers have good parenting skills and the reasonable and prudent parent standard supports those skills and promotes youth's access to age-appropriate activities. The reasonable and prudent parent standard is "characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while encouraging [their] emotional and developmental growth" through participation "in extracurricular, enrichment, cultural, and social activities."

Caregivers should approach decision making as a parent would for their own child and not treat a child any different because they are in foster care. In applying the standard, a caregiver should gather adequate information about the activity and consider information he or she has about the youth. Here are some things that the caregiver should consider to help make a decision about participation in an activity or opportunity:

- The appropriateness of the activity, child/youth's age, and developmental stage
- Potential safety risks involved in the activity
- Supports, planning, or accommodations that can help manage the potential risks of the activity
- Determining if supervision will be provided or is needed
- Encouraging the child/youth's formation of healthy age-appropriate social relationships and bonds





- Allowing the child/youth to maintain an age-appropriate degree of personal privacy
- Helping the child/youth develop skills and nurtures an interest or talent
- Encouraging the emotional, developmental, or cultural growth of the child/youth
- Helping connect the child/youth to the community
- Helping the child/youth to use and develop age-appropriate autonomy and decision-making skills

The caregiver should also take into consideration the child or youth's wishes when deciding whether to provide permission to participate in an activity. **Finally, the decisions a caregiver makes using the reasonable and prudent parent standard cannot conflict with requirements of the case plan or a court order.**

***Q3: If the child or youth needs supports or accommodations so that he or she can participate safely, should the caregiver say “yes” or “no” to participation?***

A: If the caregiver thinks participation in the activity makes sense, but that accommodations and planning are needed to make it appropriate and safe, the caregiver should say “yes” and work with the child's team to make sure the accommodations are in place. Children and youth with disabilities should be supported in participating in community-based activities. Contact FAFS and ask for help finding resources by calling 1.800.222.0047.

The child health unit nurse as well as the school district can be good resources for information on accommodations and opportunities for activities. Finally, please see the following publication for information and agencies that can help with advocacy on accessing accommodations: [Department of Human Services Division of Disability Services: New Jersey Resources](#) (2017).

***Q4: How will parents and legal guardians be involved in decision-making for the child or youth about participation in enrichment, extracurricular, social and cultural activities?***

A: The child or youth, resource family parents and Worker should talk with the child's parent or legal guardian to understand their opinions and concerns related to participation in activities. The opinion of the parent or legal guardian may not necessarily determine whether a child will participate in an activity or not, but the parent will likely have helpful information that a caregiver can use to make a good decision so seeking their views and information is important.

Parents may also be able to participate in activities with youth when consistent with the permanency and visitation plan. Workers should use case planning meetings to discuss these issues and seek the opinions all involved with the youth so that the whole team can support the child. Even if the consent of the parent is not needed for the child to participate in an activity, seeking their support and views may make sense for the case.

### **Practice Tips: Working with Parents**

- Resource family parents should consider values and input from the child's parent shared from child and include them in decision making when it is possible.
- Including the child's family in the child's activities is a good way to help support the parent-child relationship and establish a collaborative and supportive relationship.



***Q5: How will the child be involved in decision making about activities under the normalcy law?***

A: Resource family parents and designated caregivers at congregate care homes and facilities should consult with the child or youth about their wishes in an age-appropriate manner. Involving youth in decisions about their participation in activities provides learning opportunities for the child, promotes independent living skills, and empowers the child to be involved in their own case planning. The resource family parent and the child may have different ideas and opinions on what is normal or age-and-developmentally appropriate that are worth discussing. Finally, children and youth may not have a good sense of what activities are available in the community and would benefit from the help of the resource family parent and Worker. Exploring opportunities and interests with the youth is a great way to get to know them and connect with them. In the end, the caregiver gets to make the decision, but the decision is likely to be a better one—and one the youth can accept-- if the youth has been involved.

**Q6: Is there a process for children or youth to dispute or appeal their caregiver’s decisions under the reasonable and prudent parent standard when they do not agree with it?**

A: The reasonable and prudent parent standard gives caregivers decision-making power for certain activities and does not require approval from outside parties, CP&P, the court, or biological parents. Youth, especially those who are 14 years old or older, should be involved in conversations about participation in activities so that they can express their interest and understand the caregiver’s reasoning. However, just as with many decisions that parents make, a caregiver may say “no” to a child’s request to participate in an activity.

Caregivers should talk with the youth about their reasons for denying permission for participation in an activity so that they understand the decision. The caregiver should discuss and brainstorm with the youth other ways that they may be able to participate in the activity or what would need to happen so that the youth could participate.

If the youth is dissatisfied with a caregiver’s decision after such a discussion, he or she should be encouraged to:

1. Speak with his or her Worker and their Supervisor.
2. Learn about their rights by reading the [Youth Bill of Rights](#).
3. Ask for the issue to be discussed at a case planning or family team meeting.
4. Contact the Office of Advocacy (Telephone: 1-877-543-7864 – Email: [askdcf@dcf.state.nj.us](mailto:askdcf@dcf.state.nj.us))
5. Contact their law guardian or CASA on the case.
6. Bring the issue to the attention of the judge at the next review hearing.

**Practice Tips:**

- Support caregivers in being creative and flexible so that “yes” can be the answer as much as possible.
- Encourage caregivers to explain to youth why they have said “no” so that it can be an opportunity for learning.
- Reinforce with caregivers that their decisions are supported and respected, but be available to brainstorm and offer assistance in working through decision making when needed.
- Encourage youth to ask questions and advocate for themselves in a respectful way.





## D. SPECIAL AND RECURRING ISSUES

### *i. TRAVEL, BABYSITTING, AND SUPERVISION*

#### ***Q1: Does the normalcy law apply to unsupervised time at home?***

A: No. The normalcy law specifically addresses extracurricular, enrichment, social and cultural activities. However, it continues to be the case in New Jersey that all parents—including resource family parents—can determine the level of supervision that a child in their care needs and under what circumstances they can be left alone. This policy and practice is not new, but is consistent with the reasonable and prudent parent standard. More detailed information about the supervision of children in placement can be found [here](#) on page 52.

#### ***Q2: Can a child spend the night away from the caregiver and the caregiver's home on a planned trip?***

A: Trips of varying lengths that are away from the caregiver's home and without a caregiver's direct supervision may be appropriate for a child or youth and the caregiver should exercise the reasonable and prudent parent standard to make that determination.

There are many different types of trips that may be appropriate for a youth given their age and the factors listed above in Section C, Question 2. School or other organized trips that have some level of supervision can be great learning experiences for youth. Other trips that youth plan that have less supervision may also be appropriate depending on the age of the youth and all other factors. While a caregiver should make his or her decision with safety in mind, background checks of individuals in who may be part of the trip are not required. that is described in more detail directly below. This policy allows the caregiver to make decisions on their own about some travel, but provides details for situations where permission from CP&P is needed when the travel is for a longer time period or is out of country.

#### ***Q3: Can a child spend the night at the home of a friend?***

A: Yes. Caregivers should use the reasonable and prudent parent standard to determine whether to give permission for a child to spend time or sleep over at a friend's house. The caregiver should use the factors discussed above in Section C, Question 2 to determine if the activity is safe an appropriate. While a caregiver should make his or her decision with safety in mind, **background checks of the individuals in the home are not required.**

Currently, the CP&P has only issued a policy on decision making for trips and overnight travel for youth in resource family care. [CP&P-III-C-200](#), **Overnight Travel by Children and Youth in Resource Family Placements**. Because the standard does apply to youth in congregate care homes and facilities and supervised independent living placements, Workers should consult with their supervisors about travel opportunities for youth in these settings until a policy on other care settings is released.

#### ***Q4: Whose permission is needed if a caregiver wants to take a child on a trip or allow the child to travel with others in New Jersey or out of state?***



A: Resource family parents are encouraged to take children who are placed with them on vacation with them and support youth in taking opportunities for travel that will be enjoyable and enriching. This includes in and out of state travel. Caregivers should use the reasonable and prudent parent standard to make these decisions, but the requirements for permission and notification of other parties will depend on the length of the trip and the location.

The Overnight Travel Policy details the process that the Worker should follow based on how long the travel will be and the location. If the trip will involve **travel of seven or fewer nights**, the **resource family parent can make the decision** whether the child should take part in the trip, but **must notify the Worker** of the trip so that CP&P knows the whereabouts of the youth. Notification should be provided to the Worker or Supervisor at least two (2) business days prior to the overnight travel, or as early as possible. If children and youth stay outside of the home they are placed for no more than one (1) overnight, and notification of two (2) business days is impractical, notification to the Worker or Supervisor should be given by the resource parent the business day following the overnight travel.

If the travel is **more than seven nights**, the **resource family parent must seek permission from CP& P** by asking the Worker. CP&P's policy is to provide authorization of such requests as long as the trips is age - appropriate and does not conflict with any court orders. **The child's parent will be notified** of the request if parental rights have not been terminated and **asked to consent**. If the parent informs the Worker verbally or in writing that he or she does not consent, the Worker should consult with the DAG as soon as this opposition is known so that actions can be taken to resolve the issue. The DAG will advise the Worker on how to proceed.

Any **international travel** for of children and youth in placement **must be approved by the Local Office Manager (LOM)** after consultation with a Deputy Attorney General (DAG). International travel may be prohibited to countries that pose unique safety risks or if there are concerns about the foreign country's recognition of the resource parent or CP&P's parental and custody rights.

Resource family parents must notify the Worker of a plan to travel internationally with the child, or for the child to travel internationally six (6) months before the date of departure, if feasible, but not less than four (4) months before the planned departure date. As soon as a request is made, the Worker must notify the DAG and convene a planning meeting with the child's team.

Please see the detailed policy [here](#).

Note that reasonable and prudent parenting decisions *cannot* violate any court orders or case plan requirements, such as visitation orders. If the travel interferes with an ordered activity or event, the resource family parent must secure authorization from CP & P and may also need authorization from the court. Because many families plan vacations and trips in advance, this is a great topic to raise at the case planning meeting so any conflicting obligations can be resolved.



***Q5: Whose permission is needed if a child wants to attend activities or events in the community without direct adult supervision?***

A: This is the type of decision a caregiver can make using the reasonable and prudent parent standard. Going to fairs, sports games, the mall, movies, and biking riding, for example, are all activities that children and youth participate in as part of growing up with and without supervision based on their age, level of maturity, and the nature of the event or activity. Caregivers should use the factors described above Section C, Question 2 to determine if the activity is appropriate and whether any arrangements, such as supervision, would need to be made to make it appropriate. This is also true for youth in congregate care homes and facilities and supervised independent living placements.

***Q6: Who can watch a child if a caregiver has an emergency and needs to arrange for babysitting?***

A: According to existing policy, caregivers can select a reliable and mature person to provide “babysitting” for a child placed in their care. “Babysitting” is defined as “short term care and supervision of a child for less than 24 hours that occurs on an occasional basis.” The “babysitter” could include a resource family parent’s biological child, a relative or neighbor. The length of babysitting time depends on the maturity and needs of the child and the maturity and skill of the babysitter. For more information see [Babysitting for Children in Foster Care Placement](#).

## ***ii. SPECIFIC POPULATIONS***

***Q7: How does the normalcy law apply to youth with disabilities?***

A: The law applies to all youth in foster care, including youth with disabilities. Under the normalcy law, and existing federal law—the Americans with Disabilities Act and Rehabilitation Act—youth with disabilities should have the same access to activities and experiences to the same extent as their non-disabled peers. To make access possible, caregivers should be supported in arranging for accommodations and supports for youth that are needed to make an activity safe and accessible. There are many ways to provide accommodations, but examples include: increased supervision, training of a caregiver, or additional equipment.

**Practice Tips for Providing Normalcy to Youth With Disabilities:**

- Teach youth about their health care needs as they age. Help them learn how to maintain equipment, take medication, and ask for help when they need it. This is scary for all caregivers and parents, but is an important part of the caregiving and skill development processes.
- Youth with special physical or behavioral health needs should not be denied permission to participate in activities because of hypothetical risks. Instead, the caregiver should plan with the youth and his or her support network and treatment team so that any identified risks can be managed.
- Managing risk and providing safety for the youth may involve sharing information about the youth’s disability with others, but caregivers should not start with a disclosure if it is not needed. Caregivers should protect a youth’s confidential information and only share information with others who need it to provide safety and care for the youth. In many cases, there are ways to ensure the youth’s safety without making any disclosures.



***Q8: How does the normalcy law affect LGBTQIA youth?***

A: The normalcy provisions apply to all youth in care, including LGBTQIA youth. Implementing the normalcy provisions for LGBTQIA youth includes providing affirming environments where youth feel respected and supported. CP&P has signed the All Children—All Families Pledge and is committed to recruiting and supporting caregivers who identify as LGBTQIA and ensuring that youth in care are treated and served with respect and in environments that are affirming. Click [here](#) to find out more about the All Children—All Families Initiative.

Caregivers are to permit youth to define their identity through the clothing, name, and use of pronouns that they choose. Caregivers should encourage participation in activities or with communities that support LGBTQIA and gender non-conforming youth. Caregivers should be provided with training and support to provide affirming environments to youth and should ask for help and information if they need it. Please contact FAFS about training opportunities by going online at <https://www.fafsonline.org/free-foster-adoptive-kinship-parent-training-nj/> or calling 1.800.222.0047.

**Practice Tips for Providing Normalcy to LGBTQIA Youth**

- Ask a youth for their chosen name and pronoun and use it.
- Support youth in purchasing clothing and other accessories that match their chosen identity.
- Assist youth in finding safe spaces and activities that give them enjoyment and confidence.
- Assist youth in finding support groups that are affirming.
- Help caregivers learn information and find resources that will help them support LGBTQIA youth if they feel they do not have the skill set and information to do so.

***Q9: How should caregivers implement the normalcy law for youth in foster care who are expectant or parenting?***

A: Caregivers should recognize the needs, interests, and wishes of youth as teenagers as well as a parent in supporting access to age and developmentally appropriate activities. A young person who becomes a parent has increasing responsibilities and demands on his or her time. Caregivers should support parenting youth in learning these skills. At the same time, caregivers should support the needs that a young person has as an emerging adult whose well being and general development benefits from participation in activities in the community and in school.

Assisting a parenting youth with coordinating schedules and arranging child care is key to ensuring normalcy for teenage parents. As with any other youth, the caregiver may consider a teenage parent's individual situation, health, and responsibilities when giving permission to participate in a particular activity, but should work to reduce barriers as much as possible so that the youth has opportunities to develop as a parent and as an individual.



### Practice Tips to Provide Normalcy to Youth who are Parents:

- Encourage and support parenting youth to pursue their interests and talents.
- Make sure parenting youth have access to child care so that they can participate in activities.
- Assist parenting youth in identifying activities that they can participate in with their children as well as on their own.
- Support youth in developing their parenting skills.

### ***Q10: How does the normalcy law apply to youth who are also involved with the juvenile justice system?***

A: The reasonable and prudent parent standard does apply to youth who are involved in **both** the child welfare and juvenile justice systems. Caregivers should promote and support access to activities for these youth to the same extent as youth who are just involved in the foster care system. It is important to remember that the reasonable and prudent standard is limited by court orders and case plan. If a youth who is involved in the juvenile justice system has probation restrictions or requirements, these would limit the decisions that are made by the caregiver about participation in activities. Activities in the community and school, mentoring programs, and the support of peers can go a long way to help a youth develop skills and social networks that keep them out of the juvenile justice system. Caregivers should be encouraged to get youth involved in activities and not shy away from these opportunities because a youth is involved in the justice system.

### **Practice Tips to Provide Normalcy to Youth in Foster Care who Have Juvenile Justice Involvement:**

- Encourage participation in activities and understand how participation is a way to get involved in positive activities and develop good decision making and social skills.
- Use the same considerations for decision making as listed above for all youth in Section B, Question 2 above.
- Remember that court orders, such as probation conditions or requirements, must be followed when making decisions about participation in activities.
- Be creative and problem solve to ensure that youth meet their court ordered requirements, but also have access to activities and opportunities. If, for example, court ordered therapy conflicts with an activity that the caregiver thinks would be worthwhile, contact the case planning team, including the probation officer, and see if the therapy appointment can be re-scheduled or see if the activity can occur on another day or time.

### ***iii. DECISIONS THE REASONABLE AND PRUDENT PARENT DOES NOT APPLY TO***

### ***Q11: Does the reasonable and prudent parent standard apply to decisions about education?***

A: No. Most decisions about education are guided by existing law. Parents, guardians, or education decision makers appointed by the court have the legal right to make decisions about a youth's educational placement, an Individualized Education Plan (IEP) if one exists, and any school disciplinary actions. Sometimes resource family parents are designated as an education decision maker.

However, resource family parents and caregivers **can** make decisions about activities that are related to or take place at school, such as field trips to a museum or participation in an extracurricular club, participation in





student government or sports teams. This is because extracurricular and enrichment activities do fall under the reasonable and prudent parent standard.

***Q12: Does the reasonable and prudent parent standard apply to decisions made about religion?***

A: No. Resource family parents and caregivers are not permitted to make decisions about religion for a youth in their care. The law does not interfere with parents' constitutional right to make decisions about their children's religion. State regulations grant youth in foster care the right to participate in religious activities of their choosing. Youth can attend their preferred house of worship and participate in religious activities significant to them.

There may be some activities that occur at a religious institution that do not include religious observance, such as a camp or club. These situations may not necessarily impact religious rights and may fall more squarely in the reasonable and prudent parent standard. Similarly, there may be some activities that take on religious significance for some groups that should be treated with care.

Because some religious activities may implicate both the rights of parents as well as the individual rights of a youth, care should be taken in handling these requests. Ideally, they should be addressed in case planning or family team meetings so that these important issues can be discussed. **Workers should talk with their Supervisors for more information or guidance on this issue.**

***Q13: Does the reasonable and prudent parent standard apply to decisions made about treatment related to physical health?***

A: No. The reasonable and prudent parent standard does not affect existing law regarding youth's medical care and consent to treatment.

- Parents retain the right to consent to their children's non-routine medical care, such as non-emergency surgery.
- CP&P may consent to routine medical care such as doctor's visits.
- Youth may consent to some treatment on their own, including:
  - (1) obtaining birth control, pregnancy tests, and testing for sexually transmitted diseases and other diseases without the permission of a parent, guardian, caregiver, or CP&P;
  - (2) testing and treatment related to HIV at age 13 or older; and
  - (3) medical care for their own child if they are a parent.

See Issuance 100, C P & P, Authority to Issue Consent for more detail. See also, Issuance 250, Medical Care of Children Receiving Services from CP & P, and NJ Rev. Stat. §9:17A-4 (consent by minor to treatment).

***Q14: Does the reasonable and prudent parent standard apply to decisions made about behavioral health treatment?***

A: No. The reasonable and prudent parent standard does not affect existing law regarding a youth's behavioral health care and consent to treatment. Parents retain the right to consent to behavioral health treatment for their





children depending on the treatment and age of the child. However, youth of any age have the authority to consent to substance abuse treatment. Youth who are age 16 or older have the authority to consent to behavioral health treatment. For more information see Issuance 100, C P & P, Authority to Issue Consent. Issuance 250, Medical Care of Children Receiving Services from CP & P, and NJ Rev. Stat. §9:17A-4 (consent by minor to treatment).

#### *iv. ACTIVITIES IMPACTING ADOLESCENTS AND YOUTH*

##### ***Q15: Who gets to decide if a youth in foster care use social media unsupervised?***

A: Caregivers should use the reasonable and prudent parent standard to make decisions about social media use and supervision. Use of online social networking sites to communicate with family and friends is common, everyday practice for most people in modern society. Resource family parents and youth in care are no exception. Youth should be allowed age-appropriate access and should be taught the skills needed to use the internet and social media and to protect him or herself from risks.

Youth should be taught skills so that they can protect themselves and understand the risks that sharing their personal information can pose, including risks like identity theft. Similarly, resource family parents should be instructed in how to respond to threats or safety concerns that children and youth may face through social media, including, but not limited to a youth being threatened via social media or the use of a Global Positioning Device to track a child's location without their permission.

Resource family parents should develop age-appropriate house rules and parameters with youth in their homes and Worker should help facilitate these discussions. Rules should take into account factors such as: Age and maturity of the child or youth; Whether access is needed for academic instruction; The experience of the child or youth before entering the home; Special needs of the child or youth (online instruction or therapy, services or programs used via the internet) that are determined to be appropriate or helpful.

Here is a link to the Social Media Policy.

Embrella offers a training on social media for caregivers. Please look out for it on their website: <https://www.embrella.org/pdf/training/catalog.pdf>. Also, please check out their Fact Sheet on Social Media Confidentiality

#### **Practice Tips**

- Know the technology and social media that youth are using. This includes: Facebook, Twitter, Instagram, Snapchat, YouTube, Kix, and Flickr.
- Discuss with youth the benefits of social media use, such as connecting with peers, family, and support networks, research, and information gathering.
- Discuss with youth the risks of social media use, including the importance of maintaining confidentiality and privacy as well as the risks of communicating with people online versus in person. Make sure youth



understand the risk of identity theft and the consequences of sharing private information with others and how this can impact their future. Help them understand how to use privacy and location settings.

- Support caregivers in setting house rules on social media use and provide them with the skills they need to monitor use and teach safe internet and social media use skills.

***Q16: Are youth in care allowed to have cell phones or other electronic devices such as tablets, desk or laptop computers, fitness tracking devices or smart watches, and streaming services and devices?***

A: Yes. Youth in care should have the same opportunity to have a cell phone as youth who are not in care. Caregivers should use the reasonable and prudent parent standard to make this determination.

In addition to considering the youth's maturity level, considerations also include cost. There are a variety of methods that a youth may obtain and pay for a cell phone. For example, the youth may have a cell phone that is part of a cell phone contract with their biological family; the resource family parent may agree to add the youth on their own family cell phone plan, the youth may have a prepaid or pay-as-you-go plan, or the youth may have his/her own individual contract. Note that currently flex funds cannot be used to purchase cell phones or cell phone minutes.

Having a cell phone has become the norm for most young people and can be a vital way for them to connect with their case planning team as well as their family. Some youth find texting a more comfortable way to communicate and reach out for help than having a face-to-face conversation. Caregivers should be encouraged to use cell phone use and cost as an opportunity to teach responsibility and budgeting as a well as a way to connect with youth. [Here is a link to the Social Media Policy.](#)

Workers should discuss with youth and resource family parents whether a youth will have a cell phone when they enter placement and at case planning meetings so that issues around use and cost can be clear. In addition, upon placement of a child in a resource family home, the Worker must complete an inventory of the electronic devices the child or youth is bringing into placement or acquired after entering placement and keep that list in the family's case file, located in the Local Office supervising the family.

***Q17: Who gets to decide if a youth in care can get a job?***

A: Youth should be encouraged and supported in getting work experiences and employment. But, if the youth is under age 18, a parent or guardian is needed to complete the youth's employment authorization form ("working paper"). The reasonable and prudent parent standard does not change this requirement. Part-time, summer or full-time jobs are an important way to learn independent living skills, get a sense for career options, and make valuable connections with adults and peers. Caregivers and the youth's team should support the youth in identifying and having work experiences, getting working papers signed, and resolving any barriers to employment like transportation. See this [link](#) to find out more about getting an employment certificate.

**Practice Tips**



- Caregivers should encourage youth to get work experiences in formal and informal ways, including, but not limited to, work and chores around the home, summer and after school jobs, and internships.
- Take opportunities to talk to youth about their interests and help them find opportunities to learn about different jobs and careers.
- Use the experience of employment as an opportunity to teach budgeting and money management.
- Resource family parents can help youth learn about opportunities by checking out the [New Jersey Career Assistance Navigator](#). They should also explore the [New Jersey Resource Spot](#), which include information on employment programs and resources.
- Talk about employment and work experiences at case planning family team meeting so that plans can be made to have working papers signed if the youth is under age 18. Key times to talk about employment opportunities include 6 months before summer break as well as at each case planning meeting that occurs once a youth turns age 16.

***Q18: Who gets to decide and give permission for a youth to attend college, vocational school, or training.?***

A: If the youth is under age 18, the parent, guardian, or court appointed educational rights holder would make that decision. The decision, however, should be made with significant youth involvement. If the young person is age 18 or older, they get to decide, and should work with their case planning team to get any support that is needed.

**Practice Tips:**

- Resource family parents and the youth's case planning team should support youth in exploring their options and making good decisions about post-secondary education and training programs. Youth often need assistance in understanding things like the difference between loans and grants and the necessary deadlines for different application and benefit from the guidance of caring adults.
- Help youth explore the [New Jersey Resource Spot](#), which includes information on an array of educational and training programs and help with financial aid and scholarships.
- Help youth explore information on the NJ Educational Opportunity Fund and the New Jersey Foster Care Scholars program. The application for the New Jersey Foster Care Scholars program can be found [here](#).
- Embrella offers privately funded academic scholarships and grants for youth previously or currently in care in New Jersey. These awards are available to High School Seniors to assist in obtaining a higher education or with moving into the next phase of their lives. More information can be found at <https://www.fafsonline.org/nj-private-foster-youth-scholarship-grant-application/> or by calling FAFS at 1.800.222.0047

***Q19: Who gets to decide and give permission for a youth to take classes that help them prepare for college, such as the SATs or ACTs?***

A: These activities are of the type that a caregiver can give permission for using the reasonable and prudent parent standard. A youth's desire to take such preparation classes should be supported. See the information above for funds that can be requested to pay for such courses. See Section B, Question 7.



***Q20: Does the reasonable and prudent parent standard impact a youth in foster care's ability to drive or get a driver's license?***

A: Not really. Under current law in NJ, a minor needs the permission of a parent or legal guardian to get a learner's permit and/or an examination license, which precedes a probationary license. The normalcy law does not change this existing law regarding whose permission is required.

CP & P can help youth with the cost of taking a driver's training class, which includes behind-the-wheel driving practice, and the cost of the state road test and driver's license fees. A Worker can request Flex Funds for these expenses. See this [fact sheet](#) for more information.

Currently, there are no special programs that assist youth and resource families with paying for a car insurance. However, please see the information above about funds that may be requested. See section B, Question 7.

**Q21: How does the reasonable and prudent parent standard apply to youth who are ages 18-21 and still in the foster care system?**

A: The reasonable and prudent parent standard applies to all youth who are under the care and responsibility of CP&P. This includes youth who have chosen to remain in care after their 18<sup>th</sup> birthday. However, caregivers should approach decisions as they would for their adult children. These young people have the same rights to make decisions as any legal adult. Caregivers should support young adults in the development of good decision-making skills, which includes allowing age appropriate freedom and responsibility.

**Practice Tips to Provide Normalcy to Young Adults 18-21:**

- Work with the young adult to establish age-appropriate house rules that help teach freedom and responsibility.
- Caregivers can and should set expectations as any parent does, but should shift into more of a supportive rather than authoritative role, helping youth make thoughtful and good decisions.
- Young adults should be expected to engage in healthy risk-taking behavior. They will sometimes make poor decisions and are still in the processes of learning to make good decisions in terms of long term goals and rewards. Be patient and help youth learn from experiences, including mistakes.
- Help caregivers gain the skills they need to support youth through the transition to adulthood. Acknowledge the challenge in these changing roles and the efforts caregivers make to parent youth making the transition to adulthood.

***v. GROOMING, STYLE, AND CLOTHING***

***Q22: Can a caregiver give permission for a child or youth in his or her care to get a haircut?***

A: Yes. Resource family parents should use the reasonable and prudent parent standard to make decisions about haircuts and styling that are part of the child's every day care. Caregivers should engage the child's parents and family if possible, especially when these decisions are not time sensitive.



There may be situations where hair styles may have great cultural significance for the child and the child's family, such as long hair for tribal children. Getting as much information about the child and using care with these decisions is important.

In addition, resource family parents should be familiar with and understand the cultural norms of the child and their family before considering whether to have the child's hair cut or styled differently. This means having the knowledge and skill to support children and youth in maintenance of traditions and cultural practices, including those related to grooming. Workers should ensure that resource family parents and caregivers have these skills and help them get the training or support needed if they do not.

As youth get older, they naturally explore their identity and often do this through choices of clothing, hair style, and grooming. Caregivers should use the reasonable and prudent parent standard, including considering the child's wishes, age, maturity, and developmental level, to make decision to allow the child to cut or dye their hair. Caregivers should be patient and flexible with youth as they explore their style. As discussed above, providing normalcy to youth includes affirming their chosen identity as it relates to gender. See Section D, ii, Question 8. A youth should be respected in the style, grooming, and clothing choices that they make related to the gender they identify with.

### **Practice Tips:**

- Engage parents and family when possible before making grooming decisions that are significant and may have cultural or other important meaning.
- As youth get older and explore who they are and their identity, encourage resource family parents and caregivers to be patient with youth. Encourage the engagement of youth in discussion about choices rather than prohibiting their individual expression.
- Respect clothing, grooming, and style choices that reflect the gender a youth identifies with.
- Make sure caregivers understand how to groom and style the hair of the children in their care—don't assume that they come with the knowledge. There are many trainings and resource materials that can help, such as those offered by [Embrella](#).

***Q23: Does the implementation of the reasonable and prudent parent standard impact whether a child can get a tattoo or body piercings?***

A: No. Tattooing and body piercing are governed by state law and not impacted by the reasonable and prudent parent standard. Under New Jersey law, NJ Rev. Stat. § 2C:40-21, parental consent is required for a minor to get a tattoo or body piercing. At age 18, an individual can consent on their own. This is true for all youth whether or not they are in the foster care system.

### **Bibliography--Materials Cited in the FAQ**

**P.L. 2015, Chapter 253, An Act Concerning Caregiver Liability,**  
[http://www.njleg.state.nj.us/2014/Bills/PL15/253\\_.PDF](http://www.njleg.state.nj.us/2014/Bills/PL15/253_.PDF)



- New law on protection from liability for caregivers.

**Issuance 100: CP & P Authority to Issue Consent (June 29, 2014),**

[http://www.state.nj.us/dcf/policy\\_manuals/CP-III-C-9-100\\_issuance.shtml](http://www.state.nj.us/dcf/policy_manuals/CP-III-C-9-100_issuance.shtml)

- Guidance on who has authority to consent to an array of activities for youth who are in out of home care.

**Issuance 250, Medical Care of Children Receiving Services from CP & P (November 4, 2013),**

[http://www.state.nj.us/dcf/policy\\_manuals/CP-V-A-1-250\\_issuance.shtml](http://www.state.nj.us/dcf/policy_manuals/CP-V-A-1-250_issuance.shtml)

- Details who had authority to consent to a variety of treatment.

**NJ Rev. Stat. §9:17A-4, Consent By Minor to Treatment,** <https://law.justia.com/codes/new-jersey/2015/title-9/section-9-17a-4/>.

**Issuance 400, The Flexible Fund (July 30, 2014),** [http://www.state.nj.us/dcf/policy\\_manuals/CP-IX-F-1-400\\_issuance.shtml](http://www.state.nj.us/dcf/policy_manuals/CP-IX-F-1-400_issuance.shtml)

- Description of use and request of Flexible Funds.

**Keeping You Informed: Flex Funds (June 2015), FAFS Fact Sheet,**

[https://www.fafsonline.org/fact\\_sheets/flex\\_fund.pdf](https://www.fafsonline.org/fact_sheets/flex_fund.pdf)

**CP & P, Bill of Rights to Ensure the Rights of Each Child and Youth in CP & P Placement (July 2015),**

[http://www.nj.gov/dcf/policy\\_manuals/BillofRights.pdf](http://www.nj.gov/dcf/policy_manuals/BillofRights.pdf)

- List of rights of children and youth who are in CP & P placement.

**NJ Rev. Stat. 30:4C-61.2(7).**

- Provision of the law requires that resource family parents should be provided notice of all hearings and be given an opportunity to provide information to the court.

**The Resource Family Information Form,** [http://www.njcourts.gov/forms/10159\\_fn09\\_resrc\\_fam\\_info.pdf](http://www.njcourts.gov/forms/10159_fn09_resrc_fam_info.pdf)

- Form that resource parents can use to provide input to the court.

**Resource Family Home Program Requirements, Subchapter 6, 3A:51-6.1, Supervision of Children in Placement**

<https://www.nj.gov/dcf/providers/licensing/laws/RFmanual.pdf>

- Supervision requirements for family foster care.

**Babysitting for Children in Foster Care Placement,**

[http://www.embrella.org/fact\\_sheets/babysitting\\_factsheets.pdf](http://www.embrella.org/fact_sheets/babysitting_factsheets.pdf)

- Fact sheet on rules and best practices on babysitting of youth in foster care.





**Religion**, N.J.A.C. 10:122C-6.5 (2/13/2012),

[http://www.state.nj.us/dcf/policy\\_manuals/NJAC-10-122C-6.5\\_issuance.shtml](http://www.state.nj.us/dcf/policy_manuals/NJAC-10-122C-6.5_issuance.shtml)

- Guidance on the rights of youth in care related to religion.

**Fact Sheet on Social Media Confidentiality**, [http://www.embrella.org/fact\\_sheets/social-media-kyi.pdf](http://www.embrella.org/fact_sheets/social-media-kyi.pdf).

- Embrella Fact Sheet

## F. Resource List

### 1. **Funds for Enrichment Activities.**

- a. Embrella has two funds--Fostering Wishes for Children and Dreamers and Believers—that can be used to pay for enrichment activities, including summer camps. See the following link for more information: <http://www.embrella.org/foster-children-programs/> or call 1.800.222.0047
- b. Requests for funds to cover various needs and enrichment activities/items can be made to One Simple Wish at [www.onesimplewish.org](http://www.onesimplewish.org).
- c. Request for funds for clothing related to activities like clubs and teams can be made to the Local Office Bank Account of CP&P.

### 2. **Advocacy Resources.**

- a. Office of Advocacy: Call if you or a youth has a question or concern. You can call them at 1-877-543-7864 or email them at [askdcf@dcf.state.nj.us](mailto:askdcf@dcf.state.nj.us)
- b. Embrella Family Advocates: Call for personalized support, advocacy, and assistance in locating community. Call 609-520-1500 or see the following link: <https://www.embrella.org/support/>

### 3. **Resources for Working with LGBTQIA Youth.**

- a. All Children—All Families Campaign, <http://www.nj.gov/njfofadopt/services/acaf.html>.
- b. HiTops—Provides advocacy, training, information, support groups, and peer leadership opportunities, <https://www.hitops.org/about-us/>.
- c. Gay Lesbian & Straight Education Network (GLSEN)-- Provides education to families, schools, programs etc. as requested, <https://www.glsen.org/learn/about-glsen>

### 4. **Assistance for Helping Youth Find Employment and Explore Careers.**

- a. New Jersey Career Assistance Navigator at <https://portal.njcis.intocareers.org/>.
- b. The New Jersey Resource Spot includes information on an array of educational and training programs, help with financial aid and scholarships. It can be found at <http://www.njyrs.org/Resources>.

### 5. **Help Finding Higher Education Opportunities and Scholarships.**

- a. Check out information on the **NJ Educational Opportunity Fund** and the **New Jersey Foster Care Scholars Program**. The application for the New Jersey Foster Care Scholars program can be found here: <https://www.embrella.org/njfc-scholars-program/>
- b. Embrella offers privately funded academic scholarships and grants for youth previously or currently in care in New Jersey. These awards are available to High School Seniors to assist in obtaining a higher education or with moving into the next phase of their lives. More information can be found at



<https://www.embrella.org/nj-private-foster-scholarship/> or by calling Embrella at 1.800.222.0047

**6. Information on Getting a Driver's License.**

Check out this link for more information on getting a driver's license:

[https://www.fafsonline.org/fact\\_sheets/driving\\_lessons.pdf](https://www.fafsonline.org/fact_sheets/driving_lessons.pdf).

**7. Information on Supports for Youth with Disabilities or Special Needs**

Department of Human Services Division of Disability Services: New Jersey Resources (2017),

[http://www.state.nj.us/humanservices/dds/documents/DDS%20RD\\_17-final-web.pdf](http://www.state.nj.us/humanservices/dds/documents/DDS%20RD_17-final-web.pdf).

**8. General Resources**

Check this link for a county-by-county resource guide: <http://www.embrella.org/resources-foster-adoptive-kinship-families/>

New Jersey Youth Resource Spot: [www.njyrs.org](http://www.njyrs.org)